

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL NO. 3:11CV22-3-W  
(3:04CR157)

ANDRE McRAE, )  
 )  
 Petitioner, )  
 vs. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**GOVERNMENT’S MOTION FOR SUMMARY JUDGMENT**

COMES NOW the United States of America, by and through Anne M. Tompkins, United States Attorney for the Western District of North Carolina, and, pursuant to Rule 56(b), Federal Rules of Civil Procedure, moves for summary judgment as to all issues alleged in Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence pursuant to Title 28, United States Code, Section 2255, filed herein on January 12, 2011. In support of its Motion for Summary Judgment, the United States hereby incorporates by reference its Answer in Opposition to Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence and all exhibits filed therewith.

For the reasons stated in the Government’s Answer in Opposition to Petitioner’s § 2255 Motion, the Government respectfully requests that Petitioner’s motion be denied. The

Government also requests that this Court dispense with an evidentiary hearing and summarily dismiss this action in its entirety.

RESPECTFULLY SUBMITTED, this 29th day of April, 2011.

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**CERTIFICATE OF SERVICE**

I certify that on this 29th day of April, 2011, a copy of the foregoing *Government's Motion for Summary Judgment* was served upon Petitioner herein by depositing a copy of same in the United States mail for delivery by certified mail, article number 7010 0290 0001 1902 7780, return-receipt requested, addressed to Petitioner at his address pursuant to the Inmate Locator, Federal Bureau of Prisons, as follows:

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